



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,772	10/31/2001	Anand Subramanian	3485/1H799US1	4306

7278 7590 12/11/2006

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,772

Applicant(s)

SUBRAMANIAN ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1989.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 17-20 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-16, 21-22, 27-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 9/25/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15, 16, 21, 22, 27-32, 33-36, 37-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al. (7,076,443 hereinafter Emens) in view of Herz et al. (5,835,087 hereinafter Herz).

With respect to claims 15, 16, 21, 22, 27-31, 33-35, 37-89, Emens teaches a system for delivering ads to a user operating a station connected to a distributed computer network (Abstract). An ad server which maintains the ads for the user at the station across the distributed network, the user station allowing the user to retrieve information containing content (Figure 3, 110); a data store that identifies a set of rules associated with each ad, the rules indicate a level of relevancy of the ad to the content of the information retrieved (Figure 3, 140); a match maker that accesses the content retrieved by the user, extracts the content according to its rules, parses the content of the information by objects, free of information about the user (col. 4, lines 54-58) and targets an ad from the server to the content by applying the rules in the data store, and directly sends the targeted ad to the station for display with the content (Figure 3, 160

and corresponding text, specially col. 7, lines 11-17 which discloses **The search result items and associated product icons** are then displayed to the browser 100).

With respect to the newly added feature of the content being accessed in response to the submission of a URL by the user. Herz teaches on Figure 10, 1102 a user accesses a news site and the articles delivered to the users are based on the user's submission. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have replaced Emens keyword search with the teachings of Herz of the content being accessed in response to the submission of a URL by the user because such a motivation would avoid **unwanted articles in an irrelevant or unexpected context** (Herz, col. 2, lines 43-53).

Claim 32 further recites that the performance is measured by click through rates of targeted ads. Official notice is taken that is old and well known in the computer related arts to monitor the amount of click through of an ad in order to measure how effective or attractive is the advertisement being presented. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included measuring the performance by click through rates of the ads in order to obtain the above mentioned advantage.

Claim 36 further recites that the content is classified is related to past consumption by users as a consequence of ads that were received and responded to. Official notice is taken that is old and well known to classify information related to past

Art Unit: 3622

consumption of prior products or coupons redemption by the consumer in order to better target consequent ads to the users. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the content being classified is related to past consumption by users as a consequence of ads that were received and responded to in order to obtain the above mentioned advantage.

Response to Arguments

4. Applicant's arguments with respect to "the content being accessed in response to the submission of a URL by the user" have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant further states that in Emens, the user must access the link in order to see the ad and that in the claimed invention "the ad is displayed" without having to access a link. The Examiner wants to point out that first of all, the claims do not exclude accessing a link to receive the ad and secondly, in Emens the icon or link that is displayed represent the ads. Each icon displayed corresponds to an ad.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3622

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

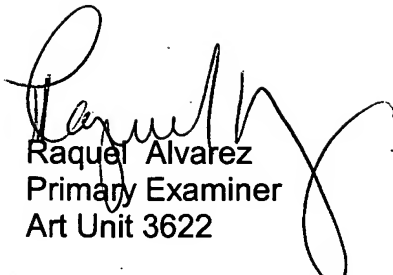
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/001,772

Art Unit: 3622

Page 6



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.

11/2/2006